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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,946	06/20/2006	David Cardamone	Q92488	7706
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SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
SINGH, SUNIL				
ART UNIT		PAPER NUMBER		
3672				
NOTIFICATION DATE		DELIVERY MODE		
08/18/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com  
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# Office Action Summary

**Application No.**

10/562,946

**Applicant(s)**

CARDAMONE ET AL.

**Examiner**

Sunil Singh

**Art Unit**

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, "the first external elemental weld bead (25)" lacks clear antecedent basis.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (US 5607259) in view of Howard et al. (US 2148427). Thomas et al. discloses a rack portion (see Fig. 2) of a self-raising oil rig (see Fig. 1), which rack portion is constituted by at least one rectangular plate (see Fig. 3) which comprises teeth (14) at the longitudinal lateral faces thereof and at least one reinforcement (13) in the form of a half-shell which is welded to a main face of the at least one rectangular plate, along the longitudinal edges (see Fig. 2) of the at least one

reinforcement. Thomas et al. discloses the invention substantially as claimed.

However, Thomas et al. lacks an internal chamfer and an external chamfer which are separated by a projection having thickness  $T$  are produced at each of the longitudinal edges of the at least one reinforcement and an internal weld bead having a connection radius  $R$  which is greater than or equal to 4 mm and the chamfers are filled at the external portion by an external weld bead which is produced in at least one pass with addition of metal. Howard et al. teaches an internal chamfer and an external chamfer (see Fig. 3) which are separated by a projection having thickness  $T$  are produced at each of the longitudinal edges of the at least one reinforcement and an internal weld bead having a connection radius  $R$  and the chamfers are filled at the external portion by an external weld bead which is produced in at least one pass with addition of metal. It would have been considered obvious to one of ordinary skill in the art to modify Thomas et al. by substituting the welding arrangement as taught by Howard et al. for the welding arrangement disclosed by Thomas et al. in order to provide a quality weld.

With regards to the limitation that the "radius  $R$  is greater than or equal to 4mm", it would have been considered obvious to one of ordinary skill in the art to modify the weld bead to have a radius which is greater than or equal to 4 mm since such a parameter would provide adequate weld strength thus reducing the chance of breakage.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (US 2198534) in view of Conrad (US 2093881).

Howard et al. discloses a device comprising a carriage (22) which carries at least one welding head and guiding means, the carriage being suspended on cables, and in that it comprises means for providing the at least one welding head with electrical power (see Fig. 1). Howard et al. discloses the invention substantially as claimed. However, Howard et al. is silent about including means for providing the at least one welding head with filler metal and welding flux. Conrad teaches means for providing the at least one welding head with filler metal and welding flux (see Fig. 1). It would have been considered obvious to one of ordinary skill in the art to modify Howard et al. to include filler metal and welding flux as taught by Conrad in order to provide a single welding apparatus.

#### **Response to Arguments**

6. Applicant's arguments filed 6/3/10 have been fully considered but they are not persuasive. Applicant argues that claim 1 was amended to include "the internal weld bead (23) having a degree of interpenetration with the first external elemental weld bead (25)" and the prior art fail to teach such structure. Therefore claims 2-9 should also be allowed. It should be noted that claims 8-9 do not depend from claim 1; therefore such amendment to claim 1 does not overcome the above rejection with respect to claims 8-9.

7. Applicant argues that the prior art fail to teach a welding head which is constituted by a nozzle and a chamfer guide (29). The examiner disagrees. Conrad

teaches a welding head (see Fig. 1), nozzle (12) and chamfer guide (7). Applicant argues that the "chamfer guide" is a structure of the welding head that is supported on the chamfer. It should be noted that such argument is far more limiting than the claimed subject matter. Applicant argues that the prior art fail to teach a carriage which carries at least one welding head and guiding means. The examiner disagrees. It should be noted that the examiner relied on Howard et al. '534 to teach a carriage (22) which carries at least one welding head (see Fig. 2) and guiding means (33).

Applicant argues that Conrad's guide cannot be considered as the guide means (rollers). The examiner agrees. However, the examiner is relying on Howard et al. '534 for such teachings.

#### ***Allowable Subject Matter***

8. Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/  
Primary Examiner, Art Unit 3672

Sunil Singh  
Primary Examiner  
Art Unit 3672

SS  
8/11/10